

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

In re: JEREMY F FAIRCHILD and ASHLEY M FAIRCHILD

Case No: 4:19-bk-16629 J

OBJECTION TO CONFIRMATION OF PLAN
AS AMENDED PRE-CONFIRMATION ON 08/19/2020

Comes now Mark T. McCarty, Standing Chapter 13 Trustee who would show the Court the following for which relief is sought. It is reasonably believed and the proof will show that the Chapter 13 petition and plan fail to comply with the following:

1. 11 U.S.C. §1325(a)(1). The plan does not comply with the provisions of Chapter 13 and with the other applicable provisions of the Bankruptcy Code. **Debtors have failed to schedule the debt owed to Arvest Bank that is secured by business assets of Central One Service, LLC. Debtors have also failed to disclose Jeremy Fairchild's involvement with this entity in the SOFA.**
2. 11 U.S.C. §1325(a)(1). The plan does not comply with the provisions of Chapter 13 and with the other applicable provisions of the Bankruptcy Code. **Debtors have failed to disclose all bank accounts on amended Schedule B. Based upon records provided to the Trustee, there are 4 personal accounts and one business account. Also, based upon information provided, the balances at filing listed on amended Schedule B are not accurate and should be amended. Until amended Schedule B is filed with all information accurately provided, the Trustee is unable to determine a best interest requirement for the case.**

Because the plan and petition fail to comply with applicable provisions of the Bankruptcy Code, the case should be dismissed pursuant to 11 U.S.C. §1307 or the confirmation should be denied and the debtor given an opportunity to submit a modified plan within reasonable time.

PREMISES CONSIDERED, Mark T. McCarty, Standing Chapter 13 Trustee prays:

1. That the Court set this objection for a hearing.
2. That the Court either dismiss the Chapter 13 case pursuant to 11 U.S.C. §1307 or deny confirmation and grant the debtor a reasonable time in which to submit a modified plan.
3. That the Chapter 13 Trustee be granted such other and further relief to which he may be entitled.

Dated: 9/8/2020

/s/ Mark T. McCarty

CHAPTER 13 TRUSTEE

cc: Jeremy F Fairchild and
Ashley M Fairchild
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